

JUL 19 2019

IN THE WESTERN DISTRICT COURT OF VIRGINIA

SINES v. KESSLER

CASE NO.: 3:17-cv-00072

JULIA C. DUDLEY CLERK
BY: *J. C. Dudley*
DEPUTY CLERK

Matthew Heimbach,
Respondent.

RESPONDENT'S MOTION TO APPEAL SANCTIONS

The Respondent, Matthew Heimbach, Pro Se moves this Honorable Court to withhold its judgment of sanctions against the Respondent in relation to the June hearing on the matter.

Respondent Heimbach was unaware of the sanctions hearing for a variety of reasons that have now been resolved.

Due to a lack of legal training and knowledge, Respondent Heimbach was unaware how to participate in these ongoing matters, what was expected, or how to proceed. Respondent Heimbach has opened up communication with the court and opposing counsel to work on this process to guarantee that there are no more lapses in fulfilling obligations and duties to the court.

Respondent Heimbach was unaware that the court did not have his mailing address on file so court paperwork could be properly served to him. Respondent Heimbach has now notified the court clerk of his mailing address, to ensure that this no longer happens.

Respondent Heimbach has had trouble receiving court emails in a timely fashion. Due to a huge amount of spam and other messages, Respondent Heimbach often missed court emails. This has been rectified by changing email settings and Respondent Heimbach has been answering all emails by opposing counsel and the court.

Respondent Heimbach had been previously operating under an improper legal understanding in regards to the discovery process, which has also been rectified by agreeing to the August 9th deposition and a letter to both opposing counsel and the court explaining why items had not previously been provided and the ongoing difficulties to do so.

Economic sanctions would also make it exceedingly difficult for Respondent Heimbach to participate in the proceedings going forward, due to the crushing burden on Respondent Heimbach.

Any economic sanctions, no matter how mild, would likely result in homelessness for Respondent Heimbach and would make it impossible for him to see his children for his every other weekend visitation.

His current employment would likely be lost if garnishments were put upon him. Currently with his rate of pay and obligations such as rent, child support, transportation for his wife to medical appointments and others; Respondent Heimbach has growing debt, and no available funds.

Respondent Heimbach is the sole supporter of his wife, a Navy veteran with an ongoing disability claim with Veterans Affairs, his ex-wife, and his two children. Respondent Heimbach is the sole source of income for all of the previously mentioned parties.

Respondent Heimbach's ex-wife is unemployed, does not have a driver's license or education beyond a High School education, and is a full-time caretaker to the two children. Based upon where she lives, she would be unable to afford childcare to be employed and for the foreseeable future will be totally dependent upon Respondent Heimbach.

Respondent Heimbach's wife honorably served in the United States Navy and is being treated at the VA for Post-Traumatic Stress Disorder and other service related conditions. She is unable to be employed due to her service, and relies entirely upon Respondent Heimbach for all economic needs.

Economic sanctions would not only have an irreparable harm on Respondent Heimbach, but many lives unaffiliated with the case or politics at all.

On the other side of this, Integrity First for America has fundraised over ten million dollars to support the lawsuit and pay for legal costs in relation to it. Any of the wages that could be garnished from Respondent Heimbach would be crippling to his wife, children, and himself, and not even a drop in the bucket to the multi-million dollar war chest that opposing counsel has access to.

Opposing counsel Roberta Kaplan is cited in a Jewish Telegraphic Agency article from June 17th of this year "*that it is unlikely plaintiffs will be able to collect, in part because some of the defendants are in hiding and others are broke.*" Opposing counsel Kaplan admits that she knows that Respondent Heimbach has no money but desires to use sanctions as a method to fight politically and silence speech of those she personally thinks are a "*grave threat to our system..*"

Sanctions against a working class father of two that is forced to represent himself in this case due to not having the funds to hire counsel to be paid to lawyers with a multi-million dollar fund to carry on this case, and who are personally some of the most powerful and privileged individuals not only in the United States, but on the entire planet, would be an unfair burden on Respondent Heimbach and would be a violation of the spirit of justice.

Respondent Heimbach is happy to comply with all future hearings and the discovery process and economic sanctions would not motivate or punish him, but many others.

Respondent Heimbach humbly asks the court to not apply sanctions to him, and allow him to participate in the case going forward as a good faith partner.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Appeal Sanctions has been furnished to the Law Offices of Michael Bloch, 350 Fifth Avenue | Suite 7110 New York, New York 10118, this 3rd day of July, 2019.



Matthew Heimbach